

**From:** Trujillo, Matthew@BCDC matthew.trujillo@bcdc.ca.gov  
**Subject:** Please see the attached and let me know your availability to meet next week  
**Date:** February 27, 2018 at 4:01 PM  
**To:** David Anderson DAnderson@are-corp.com  
**Cc:** Klein, Adrienne@BCDC adrienne.klein@bcdc.ca.gov, Douglas H. Bosco (dbosco@boscolaw.com) dbosco@boscolaw.com, ncra.mstogner@sbcglobal.net, Zeppetello, Marc@BCDC marc.zeppetello@bcdc.ca.gov

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MT

Hi David,

Please see the attached draft Commission Cease and Desist and Civil Penalty Order. We will use this document as the basis of our negotiations for a stipulated order to bring before the Commission's Enforcement Committee in April (the 5<sup>th</sup> or 19<sup>th</sup>, TBA). We would like to meet with you next week to discuss a stipulated order. Please let me know your availability. Before our meeting, please send us a redline of the attached draft order with your comments and proposed additions or changes.

Best Regards,

Matthew Trujillo  
Coastal Program Analyst II  
[mtrujillo@bcdc.ca.gov](mailto:mtrujillo@bcdc.ca.gov)  
(415) 352-3633

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**From:** David Anderson <DAnderson@are-corp.com>  
**Date:** Tuesday, February 27, 2018 at 4:09 AM  
**To:** "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>  
**Cc:** Adrienne Klein <adrienne.klein@bcdc.ca.gov>, "Douglas H. Bosco (dbosco@boscolaw.com)" <dbosco@boscolaw.com>, "ncra.mstogner@sbcglobal.net" <ncra.mstogner@sbcglobal.net>  
**Subject:** RE: External: Updated Meeting Dates for Enforcement Matters (Scott's Jack London Seafood, Inc.; Mark Sanders & Westpoint Harbor, LLC; & North Coast Rail Authority)

Matthew,

We want to resolve the Harbor Drive cleanup. In a conversation we had several weeks ago I explained the background work completed for our response which included aerial mapping and consultation with a wetland and permitting specialist. Your response was that the information I relayed would have been good information to include in our plan. Further explained our approach was to understand the environmental restraints and develop an approach to immunize impacts. Also explained that our understanding was we would work with BCDC on the final plan to implement the removal of the material that was causing ponding which was identified as a concern by BCDC. Beyond that it is not realistic to be able to distinguish between materials from the event and past events. Also, removing material beyond that causing the ponding would have more environmental impacts due to access requirements. Reiterated that the real solution was for SMART to remove the crossing.

The last correspondence we had a few weeks ago was that the next steps were tied up in the legal review process. Can we get an update?

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Dave

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**From:** Klein, Adrienne@BCDC [mailto:[adrienne.klein@bcdc.ca.gov](mailto:adrienne.klein@bcdc.ca.gov)]

**Sent:** Monday, February 05, 2018 5:11 PM

**To:** Klein, Adrienne@BCDC <[adrienne.klein@bcdc.ca.gov](mailto:adrienne.klein@bcdc.ca.gov)>

**Subject:** External: Updated Meeting Dates for Enforcement Matters (Scott's Jack London Seafood, Inc.; Mark Sanders & Westpoint Harbor, LLC; & North Coast Rail Authority)

Enforcement Committee Members, Interested Parties, and Staff:

This e-mail provides current information on the previously scheduled meeting dates for three enforcement matters that is updated and different from the dates set forth in the e-mail sent to Enforcement Committee Members, Interested Parties, and Staff on January 23, 2018, with the subject "External: BCDC Enforcement Committee Meeting Summary - January 18, 2018." A meeting notice and agenda will be posted on BCDC's website at least ten days in advance of each respective scheduled meeting.

**Scott's Jack London Seafood, Inc., located in Oakland, Alameda County (Issued Cease and Desist and Civil Penalty Order No. CDC 2017.01).** The Enforcement Committee's recommendation, adopted on January 18, 2018, that Scott's is entitled to a waiver of a portion of its administrative civil penalty under the referenced order will be considered by the Commission on **March 1, 2018**. For details contact Marc Zeppetello (415/352-3655 [marc.zeppetello@bcdc.ca.gov](mailto:marc.zeppetello@bcdc.ca.gov)).

**Mark Sanders and Westpoint Harbor, LLC, located at the end of Seaport Boulevard in Redwood City, San Mateo County (Recommended Enforcement Decision and Proposed Cease and Desist and Civil Penalty Order No. CDO 2018.01).** The Enforcement Committee's recommended enforcement decision on proposed Cease and Desist and Civil Penalty Order No. CDC 2018.01, which it adopted on November 16, 2017, for alleged violations of BCDC Permit No. 2002.002.09 and the McAteer-Petris Act, will be considered by the Commission on **March 15, 2018**. For details contact Marc Zeppetello (415/352-3655 [marc.zeppetello@bcdc.ca.gov](mailto:marc.zeppetello@bcdc.ca.gov)).

On **March 8 or 15, 2018**, the Enforcement Committee will likely hold a public hearing and vote on a recommended enforcement decision including adoption of proposed Cease and Desist and Civil Penalty Order No. CDO 2018.02 for alleged violations of the McAteer-Petris Act by the North Coast Rail Authority (NCRA) in a tidal slough on the west shore of the Petaluma River adjacent to the Lombard Segment of the Northwestern Pacific Railroad, Marin County. For details contact Matthew Trujillo (415-352-3633 [matthew.trujillo@bcdc.ca.gov](mailto:matthew.trujillo@bcdc.ca.gov)).

Sincerely,

Adrienne Klein

Chief of Enforcement

SF BCDC

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415-352-3609



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